

REMARKS

I. Introduction

Claims 1 to 9 are pending in the current application. In view of the preceding amendments and following remarks, it is respectfully submitted that claims 1 to 9 are allowable and reconsideration is respectfully requested.

Applicants thank the examiner for acknowledging that all certified copies of the priority documents have been received.

Applicants also thank the examiner for consideration of the March 26, 2004 information disclosure statement, form PTO-1449 as well as the references cited therein.

II. Rejection of Claim 2 Under 35 U.S.C. §112, Second Paragraph

The Office Action alleges that claim 2 uses a term which has a meaning contrary to its ordinary meaning. The Office Action states that the term “triangular” in claim 2 is used by the claim to mean “having an acute angle”, while the term has an accepted meaning of “relating to a polygon having three sides”. The Office Action alleges that claim 2 is indefinite in that the term “triangular” is not clearly redefined in the application.

Applicants respectfully submit that claim 2, as amended, recites the features of a bumper which has a ridge that has a triangular cross-section. As provided in the original specification on page 3, line 4, a ridge is provided for the design, wherein the ridge has a triangular cross-section. The specification, therefore, provides support for the term used in claim 2, that of a triangular cross-section. The specification furthermore describes a ridge 7 as being applied to an inner bumper part 4. Page 6, lines 8 to 10. The ridge sides are described as “coming to a point.” “Consequently, the cross-section of ridge 7 is approximately triangular”. Page 6, lines 11 to 14. Applicants respectfully submit that the term “triangular” cross-sectional ridge does not mean “having an acute angle” as alleged by the Office Action, but rather claim 2 requires that the ridge have a triangular cross-section as set forth above and as illustrated in Figure 4, for example. Applicants respectfully submit that claim 2, as amended, is fully compliant with the requirements of 35 U.S.C. §112, second paragraph, as the applicants have used the term “triangular” in

a manner which is consistent with its ordinary meaning. Furthermore, applicants have defined the meaning of the term “triangular” as provided above in the recited sections of the specification and the drawings. Applicants respectfully request withdrawal of the rejection of claim 2.

III. Rejection of Claims 1 to 9 Under 35 U.S.C. §102(b)

Claims 1 to 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent 11-34770. Applicants respectfully submit that Japanese Patent 11-34770 does not anticipate claims 1 to 9 for the following reasons.

Claim 1 relates to a bumper for a motor vehicle. Claim 1 recites the features of an outer bumper part; and an inner bumper part including a base part and at least one side crosspiece positioned at an angle to the base part, regions of a transition from the base part to the side crosspiece configured so that deformation of the inner bumper part occurs in a predetermined direction in response to a force applied to the bumper, the region of the transition from the base part to the side crosspiece including a ridge pointing in a desired direction of deformation. Claim 1 has been amended herein to recite that the outer bumper part is connected to the inner bumper part. Support for the amendment to claim 1 is found, for example, on page 6, lines 1 to 7.

The Office Action alleges that Japanese Patent 11-34770 relates to an automobile bumper. As illustrated in Figure 8, an outer bumper part 13 covers an interior member 14. The interior member 14 is connected to a fog light 7 arranged in a cutout section 10 of the bumper. Contrary to the recitations of amended claim 1, the bumper face of Japanese Patent 11-34770 is connected to the remainder of the car at a rear connection point not as required in amended claim 1. As illustrated in the Office Action, the side crosspiece is not connected to the outer bumper part. Figure 5 illustrates the connection line 1a for the outer bumper part, which is different than the recited features of the present invention. As illustrated in Figure 8, the outer bumper part is not connected to the inner bumper part. Japanese Patent 11-34770 merely provides an arrangement which supports a fog light (17). The fog light (lamp) is supported and attached to the inner bumper part through a bracket support member cross-drilled in two separate areas to receive connection

bolts. Japanese Patent 11-34770 does not disclose or suggest any configuration wherein the outer bumper part is connected to the inner bumper part. Applicants respectfully request withdrawal of the rejection of claim 1 as the cited reference does not disclose the features of amended claim 1.

Claim 9 also relates to a bumper for a motor vehicle. Claim 9 recites the features of an outer bumper part means and inner bumper part means including base part means and side crosspiece means positioned at an angle to the base part means. Claim 9 further recites that the inner bumper part means includes means in regions of a transition from the base part means to the side crosspiece means for deforming the inner bumper part means in a predetermined direction in response to a force applied to the bumper, the deforming means including ridge means pointing in a desired direction of deformation. Claim 9 has been amended such that the outer bumper part means is connected to the inner bumper part means. Support for the amendment to claim 9 is found, for example, on page 6, lines 1 to 7.

As described above, Japanese Patent 11-34770 does not disclose or suggest any configuration wherein the outer bumper part is connected to the inner bumper part. Japanese Patent 11-34770, therefore, does not disclose or suggest the feature of claim 9, wherein the outer bumper part means is connected to the inner bumper part means. Applicants respectfully request withdrawal of the rejection of to claim 9 as the cited reference does not disclose the features of amended claim 9.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Applicants respectfully submit that the Office Action fails to provide prior art containing each and every element as set forth in independent claims 1 and 9, for the reasons set forth above.

Claims 2 to 8 depend from claim 1 and therefore include all of the features of amended claim 1. Applicants respectfully submit that claims 2 to 8 are patentable for at least the reasons provided above in relation to amended claim 1.

IV. Conclusion

It is therefore respectfully submitted that the pending claims are allowable. All issues raised by the Examiner have been addressed, an early and favorable action on the merits is solicited.

Respectfully submitted,

KENYON & KENYON

Dated: 9/21/05

By: 

Gerard A. Messina
Registration Number 35,952

One Broadway
New York, New York 10004
(212) 425-7200
Customer Number 26646